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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,974	02/17/2004	Gary Kiwimagi	15007.915US02	1673
43430 7590 09/15/2008 BERENBAUM, WEINSHIENK & EASON, P.C 370 17TH STREET SUITE 4800 DENVER, CO 80202				
EXAMINER				
GELAGAY, SHEWAYE				
ART UNIT		PAPER NUMBER		
2137				
MAIL DATE		DELIVERY MODE		
09/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/780,974

**Applicant(s)**

KIWIMAGI ET AL.

**Examiner**

SHEWAYE GELAGAY

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This office action is in response to Applicant's amendment filed on June 4, 2008. Claims 1-20 are pending.

### ***Claim Rejections - 35 USC § 101***

2. In view of the amendment filed June 4, 2008, the Examiner withdraws the rejection of claims 8-11 under 35 U.S.C. 101.

### ***Response to Arguments***

3. Applicant's arguments filed June 4, 2008 have been fully considered but they are not persuasive. In response to the applicants arguments the following comments are made:

The applicant argued that because of the complexity of the system of Alegre, there is not a one-to-one relationship between the steps and components of Alegre and those of the claimed invention. Applicant alleges that many of the passages cited in the office action in support of the rejections are very long and cover numerous steps involving numerous components and the Office Action frequently lacks sufficient precision for the applicant to adequately understand the rejection. As shown below although all the relevant columns and figures are cited by the Examiner, specific figures and citations are cited in the previous office action to point out how the combination of Alegree and Kobita discloses the claimed limitations.

The Applicant argued that there is no teaching that session information is generated (at control node or any other location) or is sent anywhere, including to the

client, the system node and the data node, which is as yet still unidentified in Alegre. Alegre discloses a key server 234 (i.e. control node) creates a unique and unpredictable session key, and stores the session key. Authentication server then transmits the session key and user access profile to web host 210. Web host 210 stores the session key at client browser 110 using a cookie. (i.e. session key sent to the client) Web host 210 also sends trusted network 138 (i.e. system node) access presentation information to client browser 110. The trusted network access presentation information is created based on the user access profile, and thus includes only selections for accessing resources that the user has access to. Alegre further teaches the user selects an access request from the trusted network access presentation information to access trusted network 138 ... key server 234 compares the session key with currently valid session keys to determine if the session key is still valid, and returns the results of the session key validity...if the session key is valid, access server performs the request (i.e. establishing secure authenticated connection between the client and the system node).

Applicant argued that neither of the passages, nor the combination of the two, teaches "a request is received from the client access the system node and a request is received from the system node to access the client." The specification of the instant application on paragraph 41 recites that the client sends a request to the control node identifying a registered system node from the list. The control node verifies that the client satisfies the access permissions for the requested system node (e.g. based on information maintained in client database), and that the system node is registered and available." Alegre teaches creating access presentation information based on user

access profile, and thus includes only selections for accessing resources (i.e. registered system node) that the user has access to. Access server extracts the session key from the request packet, and transfers the session key to key server to determine whether it is valid. (i.e. the system node to access the client) Key server compares the session key with currently valid session keys to determine if the session key is still valid session keys and returns the result of the session key validity check to access server. If the session key is still valid, access server performs the request. (figure 2, col. 45, lines 8-67) In addition, Kobita teaches the user of a sending system initiates the secure mail application and establishes a connection with an enterprise secure server. The user of the receiving system initiates the secure mail application and establishes a connection with a secure mail server. (page 8, pp.89-90)

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "both the client and the system node must be authenticated") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 11-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alegree et al. (hereinafter Alegree) US Patent Number 6,199,113 in view of Kobita et al. (hereinafter Kobita) US 2006/0005237.

As per claims 1, 8 and 12:

Alegree teaches a method comprising: generating session information at the control node (figure 2, 210) in response to a request from a client (figure 2, 110) to access a system node (figure 2, 138) and sending the session information to the client, the system node, and a data node if the client and system node satisfy at least one condition for accessing each other; (col. 4, lines 17-23; when the user wants to access trusted network 138, the user sends a request from client browser 110, ... web host stores the session key at client browser and also sends trusted network ) receiving at the data node a request from the client to access the system node; (col. 4, lines 31-39 and lines 43-48; access server verifies that the network request packet came from web host, extracts the session key from the network request packet) and establishing a first secure authenticated connection between the client and the system node via the data node based at least in part of the session information. (col. 4, lines 48-67; ...if the

session key is still valid, access server performing the request...access server performs the request)

Algree does not explicitly disclose a request from the system node to access the client. Kobata in analogous art, however, teaches a request from the system node to access the client. (page 8, pp. 89; to exchange digital content with the receiving system, a user of the sending system initiates secure mail application and establishes a connection with the enterprise secure server). Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Algree with Kobita in order enable a secure exchange of an electronic document between the sending system and the receiving system. (page 7, pp. 85; Kobita)

As per claim 2:

The combination of Algree and Kobita teaches all the subject matter as discussed above. In addition, Algree further discloses receiving at the control node a request from the client for the session information. (col. 7, lines 2-43)

As per claims 3, 9 and 13:

The combination of Algree and Kobita teaches all the subject matter as discussed above. In addition, Algree further discloses prior to receiving the request from the client to access the system node, registering the system node with the control node. (col. 4, lines 32-47)

As per claims 4 and 19-20:

The combination of Algree and Kobita teaches all the subject matter as discussed above. In addition, Algree further discloses prior to receiving the request from the client to access the system node, providing a list of registered system nodes to the client, wherein the system node is selected at the client from the list of registered system nodes. (col. 4, lines 55-67; col. 7, lines 2-65)

As per claims 5 and 17-18:

The combination of Algree and Kobita teaches all the subject matter as discussed above. In addition, Algree further discloses notifying the system node when a message is received from the client at the data node. (col. 4, lines 55-67; col. 8, lines 28-44)

As per claims 6-7 and 16:

The combination of Algree and Kobita teaches all the subject matter as discussed above. In addition, Algree further discloses establishing a second secure authenticated connection between the system node and the data node. (col. 4, lines 55-67)

As per claim 11:

The combination of Algree and Kobita teaches all the subject matter as discussed above. In addition, Algree further discloses wherein a computer process at the data node further comprises: notifying the system node when a message is received from the client at the data node; (col. 4, lines 32-67) establishing a second secure authenticated connection between the system node and the data node; (col. 4, lines 32-



67) and sending the message from the data node over the second secure authenticated connection between the system node and the data node. (col. 4, lines 32-67)

5. Claims 10, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alegree et al. (hereinafter Alegree) US Patent Number 6,199,113 in view of Kobita et al. (hereinafter Kobita) US 2006/0005237 and further view of Araujo US 7,275,113.

As per claims 10 and 14-15:

The combination of Alegree and Kobita teaches all the subject matter as discussed above. Both references do not explicitly disclose wherein the computer process at the control node further comprises updating a client database at the control node with a dynamic network address for the system node on a recurring basis. Araujo in analogous art, however, discloses wherein the computer process at the control node further comprises updating a client database at the control node with a dynamic network address for the system node on a recurring basis. (col. 8, lines 41- col. 9, line 31) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Alegree and Kobita with Araujo in order to provide a system with a controller that enables efficient establishment of a communication path via the communication network without requiring the communicating devices to have static address. (col. 10, lines 39-44; Araujo)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G./  
Examiner, Art Unit 2137

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137